

**ALASKA STATE LEGISLATURE  
SENATE JUDICIARY STANDING COMMITTEE**

May 4, 2007

1:40 p.m.

**MEMBERS PRESENT**

Senator Hollis French, Chair  
Senator Bill Wielechowski  
Senator Gene Therriault

**MEMBERS ABSENT**

Senator Charlie Huggins, Vice Chair  
Senator Lesil McGuire

**COMMITTEE CALENDAR**

CS FOR HOUSE BILL NO. 19(FIN)

"An Act relating to ignition interlock devices; to limited driver's license privileges; and to ignition interlock limited driver's license privileges."

MOVED SCS CSHB 19(JUD) OUT OF COMMITTEE

SENATE BILL NO. 145

"An Act relating to municipal impoundment and forfeiture."

MOVED SB 145 OUT OF COMMITTEE

SENATE BILL NO. 18

"An Act relating to property foreclosures and executions; and amending Rule 65, Alaska Rules of Civil Procedure."

HEARD AND HELD

SENATE BILL NO. 157

"An Act relating to human trafficking and prostitution."

HEARD AND HELD

**PREVIOUS COMMITTEE ACTION**

BILL: HB 19

SHORT TITLE: LTD. DRIVER'S LICENSES/IGNITION INTERLOCK

SPONSOR(S): REPRESENTATIVE(S) MEYER

01/16/07	(H)	PREFILE RELEASED 1/5/07
01/16/07	(H)	READ THE FIRST TIME - REFERRALS
01/16/07	(H)	STA, JUD, FIN
02/01/07	(H)	STA AT 8:00 AM CAPITOL 106

02/01/07 (H) Moved CSHB 19(STA) Out of Committee  
 02/01/07 (H) MINUTE(STA)  
 02/05/07 (H) STA RPT CS(STA) NT 6DP 1NR  
 02/05/07 (H) DP: JOHNSON, JOHANSEN, ROSES,  
 GRUENBERG, DOLL, LYNN  
 02/05/07 (H) NR: COGHILL  
 02/12/07 (H) JUD AT 1:00 PM CAPITOL 120  
 02/12/07 (H) Heard & Held  
 02/12/07 (H) MINUTE(JUD)  
 02/19/07 (H) JUD AT 1:30 PM CAPITOL 120  
 02/19/07 (H) Moved CSHB 19(JUD) Out of Committee  
 02/19/07 (H) MINUTE(JUD)  
 02/21/07 (H) JUD RPT CS(JUD) NT 2DP 4NR 1AM  
 02/21/07 (H) DP: LYNN, RAMRAS  
 02/21/07 (H) NR: COGHILL, DAHLSTROM, SAMUELS, HOLMES  
 02/21/07 (H) AM: GRUENBERG  
 02/28/07 (H) FIN AT 1:30 PM HOUSE FINANCE 519  
 02/28/07 (H) Scheduled But Not Heard  
 03/05/07 (H) FIN AT 1:30 PM HOUSE FINANCE 519  
 03/05/07 (H) Heard & Held  
 03/05/07 (H) MINUTE(FIN)  
 03/27/07 (H) FIN AT 1:30 PM HOUSE FINANCE 519  
 03/27/07 (H) Moved CSHB 19(FIN) Out of Committee  
 03/27/07 (H) MINUTE(FIN)  
 03/28/07 (H) FIN RPT CS(FIN) NT 8DP 3NR  
 03/28/07 (H) DP: GARA, FOSTER, CRAWFORD, NELSON,  
 THOMAS, JOULE, MEYER, CHENAULT  
 03/28/07 (H) NR: HAWKER, STOLTZE, KELLY  
 03/30/07 (H) TRANSMITTED TO (S)  
 03/30/07 (H) VERSION: CSHB 19(FIN)  
 04/02/07 (S) READ THE FIRST TIME - REFERRALS  
 04/02/07 (S) JUD, FIN  
 04/25/07 (S) JUD AT 1:30 PM BELTZ 211  
 04/25/07 (S) Heard & Held  
 04/25/07 (S) MINUTE(JUD)

BILL: SB 145

SHORT TITLE: MUNIS IMPOUND/FORFEIT MOTOR VEHICLE  
 SPONSOR(s): SENATOR(s) MCGUIRE

03/28/07 (S) READ THE FIRST TIME - REFERRALS  
 03/28/07 (S) CRA, JUD  
 04/24/07 (S) CRA AT 3:30 PM BELTZ 211  
 04/24/07 (S) Moved CSSB 145(CRA) Out of Committee  
 04/24/07 (S) MINUTE(CRA)  
 04/25/07 (S) CRA RPT CS 4DP NEW TITLE  
 04/25/07 (S) DP: OLSON, WAGONER, STEVENS, KOOKESH

04/30/07 (S) JUD AT 1:30 PM BELTZ 211  
04/30/07 (S) Heard & Held  
04/30/07 (S) MINUTE(JUD)

BILL: SB 18

SHORT TITLE: PROPERTY FORECLOSURES AND EXECUTIONS

SPONSOR(S): SENATOR(S) BUNDE

01/16/07 (S) PREFILE RELEASED 1/5/07  
01/16/07 (S) READ THE FIRST TIME - REFERRALS  
01/16/07 (S) L&C, JUD, FIN  
03/13/07 (S) L&C AT 1:30 PM BELTZ 211  
03/13/07 (S) Heard & Held  
03/13/07 (S) MINUTE(L&C)  
03/15/07 (S) L&C AT 1:30 PM BELTZ 211  
03/15/07 (S) Scheduled But Not Heard  
03/20/07 (S) L&C AT 1:30 PM BELTZ 211  
03/20/07 (S) Moved CSSB 18(L&C) Out of Committee  
03/20/07 (S) MINUTE(L&C)  
03/21/07 (S) L&C RPT CS 3DP 2NR NEW TITLE  
03/21/07 (S) DP: ELLIS, BUNDE, DAVIS  
03/21/07 (S) NR: STEVENS, HOFFMAN  
03/28/07 (S) JUD AT 1:30 PM BELTZ 211  
03/28/07 (S) Heard & Held  
03/28/07 (S) MINUTE(JUD)  
04/20/07 (S) JUD AT 1:30 PM BELTZ 211  
04/20/07 (S) -- MEETING CANCELED --

BILL: SB 157

SHORT TITLE: TRAFFICKING/PROSTITUTION/SEXUAL ABUSE

SPONSOR(S): SENATOR(S) DYSON

04/18/07 (S) READ THE FIRST TIME - REFERRALS  
04/18/07 (S) STA, JUD, FIN  
04/20/07 (S) STA REFERRAL WAIVED  
04/30/07 (S) JUD AT 1:30 PM BELTZ 211  
04/30/07 (S) Scheduled But Not Heard

**WITNESS REGISTER**

Mike Pawlowski, Aide  
Representative Kevin Meyer  
Alaska State Capitol  
Juneau, AK 99801-1182

**POSITION STATEMENT:** Introduced HB 19 for the sponsor

Paula Scovera, Special Assistant

Department of Labor & Workforce  
Development  
PO Box 21149  
Juneau, AK 99802-1149

**POSITION STATEMENT:** Commented on forthcoming fiscal note for SB 145

Jane Alberts, Staff  
Senator Bunde  
Alaska State Capitol  
Juneau, AK 99801-1182

**POSITION STATEMENT:** Explained provisions of SB 18 for the sponsor

Stephen Routh, Attorney  
Routh Crabtree, APC  
Anchorage, AK

**POSITION STATEMENT:** Presented sectional analysis for SB 18

Senator Dyson  
Alaska State Capitol  
Juneau, AK 99801-1182

**POSITION STATEMENT:** Sponsor of SB 157

Rick Svobodny, Deputy Attorney General  
Criminal Division  
DCCO  
Department of Law  
Juneau, AK

**POSITION STATEMENT:** Responded to questions related to SB 157

#### **ACTION NARRATIVE**

**CHAIR HOLLIS FRENCH** called the Senate Judiciary Standing Committee meeting to order at [1:40:02 PM](#). Present at the call to order were Senator Wielechowski, Senator Therriault, and Chair French.

#### **CSHB 19(FIN)-LTD. DRIVER'S LICENSES/IGNITION INTERLOCK**

CHAIR FRENCH announced the consideration of HB 19 and asked for a motion to adopt Version \R.

[1:40:23 PM](#)

SENATOR THERRIAULT motioned to adopt Senate committee substitute (CS) for CSHB 19, Version \R, labeled 25-LS0133\R, as the

working document before the committee. There being no objection, it was so ordered.

MIKE PAWLOWSKI, Aide to Representative Kevin Meyer, advised that the sponsor wants him to convey that merging the two proposals creates a more comprehensive program. The pieces of the bill that are intact from the original version are found in Sections 1 and 3. Section 1 is clean up language related to ignition interlock devices in the tampering statutes Section 3 is conforming language.

CHAIR FRENCH explained that Version\ R combines Representative Meyer's limited license interlock bill and the interlock bill he had been working on. The limited license interlock is available on a first, second or third DWI as long as the terms of the limited license haven't been violated. Section 4 says if you've violated the terms of the limited license then it's no longer an option. The remaining sections deal with ignition interlocks during the period of probation for having been convicted of DWI. Currently there is a year of interlock for a first conviction, two years for a second conviction, three years on a third conviction, and throughout the period of probation after that. Also there is a uniform standard for where and when ignition interlocks are used. Basically that tracks the person's insurance requirements, he stated.

[1:43:10 PM](#)

MR. PAWLOWSKI relayed that the sponsor believes that the Chair's interpretation of how to deal with smaller communities and the insurance exemption leads to a more predictable outcome as opposed to leaving it to the courts.

CHAIR FRENCH stated that it was a pleasure to work with him and Representative Meyer. He described this as a bold new experiment in DWI prosecution because it will require ignition interlocks for every person who is convicted of DWI. He thanked Senator Wielechowski for his work on that idea. "It seems to be working in New Mexico and Alaska has had a long and tragic history...with DWI, and there doesn't seem to be any downside to giving this a go," he stated.

MR. PAWLOWSKI added that the probation lengths that the Chair put in correspond well with the Department of Public Safety's letter that talks about the amazing gains in recidivism in Canadian provinces that have a similar provision. He noted it's in the neighborhood of 80 plus percent.

CHAIR FRENCH said we're all hopeful.

1:44:28 PM

SENATOR THERRIAULT asked him to clarify whether it's a recidivism rate of 80 percent or 80 percent of the people.

MR. PAWLOWSKI clarified that it's a decrease in recidivism in 80 percent of the people.

SENATOR THERRIAULT asked about the fiscal impact.

MR. PAWLOWSKI said HB 19 had a fiscal note from the Division of Motor Vehicles (DMV) relating to producing a new license. In the first year the impact is \$76 thousand with personal services comprising the largest component. Contractual services represents programming for the DMV data base that would be done in only the first year. Each subsequent year the cost is \$59 thousand, which is paid for by the application fees.

CHAIR FRENCH moved 25-LS0133\R.1 as Amendment 1 and objected for discussion purposes.

25-LS0133\R.1  
Luckhaupt  
7/11/09

#### AMENDMENT 1

Page 3, line 6, following "and":  
Insert ", when applicable,"

CHAIR FRENCH explained that this clarifies that this section applies to driving on the road system, which he's using as a proxy for where you have mandatory insurance and where you have to have the interlocks. "If you don't have to have the interlock, you don't have to comply with this section."

SENATOR THERRIAULT asked if he could get around the requirement by moving to a community that doesn't require an interlock.

CHAIR FRENCH said no.

MR. PAWLOWSKI added that the key is on page 3, line 4 where it says that it would be a requirement "whenever the person operates a motor vehicle."

CHAIR FRENCH explained that he could avoid the requirement to use an interlock if he moved to a small community and stayed

there to operate his motor vehicle where there is no requirement to have insurance. He could not avoid the requirement by claiming to be from that community because he got a post office box and registered his vehicle there.

MR. PAWLOWSKI described the addition as clean-up language.

[1:48:09 PM](#)

CHAIR FRENCH removed his objection to Amendment 1. Finding no further objection he announced that Amendment 1 is adopted and the bill is back before the committee. He noted that the effective date is January 1, 2008. Finding no further discussion, he asked for a motion.

[1:48:54 PM](#)

SENATOR WIELECHOWSKI motioned to report SCS CSHB 19(JUD) from committee with individual recommendations and attached fiscal note(s). There being no objection, it was so ordered.

[1:49:20 PM](#) at ease.

**SB 145-MUNIS IMPOUND/FORFEIT MOTOR VEHICLE**

[1:50:15 PM](#)

CHAIR FRENCH announced the consideration of SB 145. Noting that the bill sponsor, Senator McGuire, is not able to be here, he stated that in discussions with Department of Labor and the municipality it was decided to drop the language regarding accessing those records. Removing Section 1 brings the bill back to its original form, which is \A. He noted that the change eliminates the fiscal note from the Department of Labor. He asked for a motion to adopt Version \A.

[1:51:02 PM](#)

SENATOR WIELECHOWSKI motioned to adopt Version \A for SB 145, labeled 25-LS0807\A, as the working document.

CHAIR FRENCH explained the bill allows municipalities to provide for the impoundment or forfeiture of a motor vehicle used by someone who has \$1,000 or more in delinquent traffic fines for violations committed within the municipality. The car would be put in a place and held until the fines are satisfied and then it would be returned to the owner. It's a mechanism to put downward pressure on the scoff laws that were mentioned at an earlier hearing. Hopefully this will lead to collecting more money from unpaid fines and take care of the problem that way.

SENATOR WIELECHOWSKI commented that this is a good bill and he's pleased that the provision has been removed.

SENATOR THERRIault asked if he intends to have the committee issue a zero fiscal note.

CHAIR FRENCH asked Ms. Scovera to comment.

PAULA SCOVERA, Special Assistant, Department of Labor and Workforce Development, said the department had drafted a zero fiscal note and would issue it when the bill passes in its original version.

CHAIR FRENCH found no further questions or comments and asked for a motion.

[1:53:04 PM](#)

SENATOR WIELECHOWSKI motioned to report SB 145, Version \A, from committee with individual recommendations. He noted the new fiscal note is forthcoming.

CHAIR FRENCH announced that without objection SB 145 moves from committee.

At ease [1:54:10 PM](#)

### **SB 18-PROPERTY FORECLOSURES AND EXECUTIONS**

[1:54:18 PM](#)

CHAIR FRENCH announced the consideration of SB 18. Before the committee was Version \V

JANE ALBERTS, Staff for Senator Bunde, Sponsor of SB 18, explained that during the previous hearing the committee painstakingly reviewed the first nine sections of the foreclosure bill. She recapped that the bill was requested by Stephan Routh who is an attorney who has lengthy experience with foreclosures.

At ease [1:55:34 PM](#)

[1:57:48 PM](#)

CHAIR FRENCH asked for a motion to adopt Version \N.

SENATOR WIELECHOWSKI motioned to adopt committee substitute (CS) for SB 18, Version \N, labeled 25-LS0153\N, as the working

document before the committee. There being no objection, it was so ordered.

CHAIR FRENCH asked Ms. Alberts how she would like to proceed.

MS. ALBERTS said she would prefer to start with Section 10 and have Mr. Routh go through the remainder of the bill.

CHAIR FRENCH asked Mr. Routh if he would begin his discussion on Section 10 of Version \N.

[1:58:55 PM](#)

Stephen Routh, Attorney with Routh Crabtree, APC, Anchorage, said Section 10 is housekeeping. The first part deals with priorities of distribution. There has been litigation in this area partly because the statute isn't clear about what happens when the beneficiary bids less than the full debt that's owed in a foreclosure auction. He suggested that the best rule is for the beneficiary to get all it is due. After that follow the line of progression until the beneficiary is paid. If there's a second liener they are paid next and so on down the line. The borrower gets the remainder.

Section 10(g) gives breathing space after a foreclosure auction to reduce litigation. When a sale has been held when it should not have been the typical loser is the borrower. Under this provision the trustee can unwind the sale and avoid litigation.

Section 10(h) talks about how to unwind a sale by giving the money back and about how to renote a sale thereafter.

[2:01:33 PM](#)

Section 11 allows attorneys for the beneficiaries to sign substitutions of trustee. He said this is a good practice but the statute is not clear that it is allowed.

Section 12 is about requirements for the attorney executing documents on behalf of the beneficiary.

Section 13 is a new section that requires a bond by the trustee. It provides assurance that trustees that handle large sums of money are fiscally responsible.

CHAIR FRENCH asked how available surety bonds are and how much they might cost.

MR. ROUTH said his research indicates the bonds would be available and he believes the cost would be between \$5,000 and \$10,000 per year.

CHAIR FRENCH asked if that means that a trustee would have an entry level cost of between \$5,000 and \$10,000 a year.

MR. ROUTH said yes but a title agent would be exempt from the requirement.

CHAIR FRENCH asked if this is a standard provision from a uniform act.

MR. ROUTH said no; in his view it is a best practice but it's not part of a uniform act.

CHAIR FRENCH questioned whether this wouldn't create a situation where smaller trusts would have difficulty finding trustees because it might be difficult to afford the bond.

MR. ROUTH said keep in mind this isn't per foreclosure auction, it's per trustee per year.

CHAIR FRENCH asked if the idea is that the cost would be spread out if a trustee were to handle many trusts.

MR. ROUTH said the general practice is for trustees to handle many of these. A person who has a deed of trust with a small balance would always have the option of going to a title company. There is no bonding requirement for those because they are licensed separately. There would always be a trustee to use and he can't see that anyone would be driven out because of the bond. They'd just have to show fiscal responsibility to continue in that market, he stated.

CHAIR FRENCH said he'd flag that section and spend some time researching the issue. He asked for an explanation of the differences between Version \V and Version \N.

[2:05:49 PM](#)

MS. ALBERTS explained the following:

Section 2, page 2, line 23 should say "4 days" rather than "30 days."

Section 5, page 4, line 12 inserts ", except as provided in (e) in this section." It is a suggestion from the attorney general's office.

CHAIR FRENCH asked Mr. Routh if he had an explanation.

MR. ROUTH said he didn't know why the change was requested but he's OK with it.

MS. ALBERTS continued:

Section 6 on page 5, line 28, is conforming language changing 3 months to 90 days.

Section 13, page 9, line 28, makes it clear that the person who obtains the bond also has to give notice to the department.

MS. ALBERTS said the foregoing are the four changes between Version \V and Version \N.

CHAIR FRENCH found no further questions or comments and announced he would set SB 18 aside for the time being.  
At ease [2:08:00 PM](#)

#### **SB 157-TRAFFICKING/PROSTITUTION/SEXUAL ABUSE**

[2:09:12 PM](#)

CHAIR FRENCH announced the consideration of SB 157 and asked for a motion to adopt Version \L committee substitute.

[2:09:20 PM](#)

SENATOR THERRIAULT motioned to adopt CS for SB 157, Version \L, labeled 25-LS0759\L, as the working document before the committee. There being no objection, it was so ordered.

SENATOR DYSON, Sponsor of SB 157, relayed that a federally funded task force composed of the Troopers, the FBI, the Anchorage Police Department, and others looked into human trafficking in Alaska. SB 157 represents the task force's recommended changes to the Alaska statutes to facilitate the prosecution of people who traffic and prostitute children in particular. He noted that the current version addresses the criminal code.

[2:10:32 PM](#)

Section 1 expands the definition of the crime of prostitution to include the buyer making it equally criminal for both sides of the prostitution transaction.

Sections 2 and 3 raise the age of consent. The law against promotion of prostitution in the first degree would include prostitution of persons between 16 and 18 years of age. Previously it was 16 years of age.

[2:11:30 PM](#)

Section 4 raises the penalty for promotion of prostitution in the first degree from a class B felony to a class A felony.

Section 5 raises the penalty for promotion of prostitution of a child from a class A felony to an unclassified felony.

Section 6 raises promotion of prostitution in the second degree from a class C felony to a class B felony.

SENATOR DYSON elaborated that police officers have expressed concern that prosecutors don't take misdemeanor and lower class prostitution seriously. The feeling is that it would be taken seriously if the crimes were felonies. "The Department of Law is apparently comfortable with bumping these all up one notch," he stated.

Section 7 deals with running a house of prostitution. It raises the penalty for promoting prostitution in the third degree from a class A misdemeanor to a class C felony. Also it includes prostitution of persons between 16 and 18 years of age. Previously the age was 16.

SENATOR DYSON explained that the drafter, Mr. Luckhaupt, added a new fourth degree prostitution. It's to catch someone who is promoting prostitution that isn't at a class B or class C felony level. He understands it will help to prosecute people who know about and may facilitate prostitution even though they may not be getting a fee for their service. He noted that the Anchorage police are saying that hotels are turning a blind eye and this may get at that.

[2:14:27 PM](#)

CHAIR FRENCH asked the Department of Law someone who delivers pizza, sweeps a driveway, plows snow, or hooks up telephone service in a place of prostitution would be guilty of engaging in conduct that institutes, aids, or facilitates prostitution.

[2:14:42 PM](#)

RICK SVOBODNY, Deputy Attorney General, Criminal Division, Department of Law, said it depends. Literally if someone is aiding in the commission of the offense by sweeping the driveway so that patrons have access, then the answer is yes. If someone is delivering pizza with the intention of aiding in commission of the offense by providing food for what's going on, the answer is also yes. A bellhop who facilitates a hotel patron's request for a prostitute is guilty of promoting prostitution now, but this language may capture certain stances that he's not thinking about.

CHAIR FRENCH asked if the mental element with respect to this provision would be "knowing."

MR. SVOBODNY said he doesn't know but typically when someone is charged with aiding or abetting an offense the culpable mental state is higher. There must be intent that the underlying crime occur. For instance, it would not be a crime for him to agree to lend a gun to someone, but if he intended to help in an armed robbery then he would have to have a higher culpable mental state. "Sometimes you have to have a higher culpable mental state than the perpetrator." That language is built into the regular culpability statute, but it isn't built into this statute so it may well be that it's knowingly, he stated.

MR. SVOBODNY summarized that the statutory construction answer is yes --it knowingly.

CHAIR FRENCH said the mental element probably doesn't need to be inserted here. If it's knowingly or higher then you'd have to prove that the person who's sweeping the driveway is not doing it because he's earning \$5 and that's how he makes his living. You'd have to prove that he's sweeping the driveway because he knows there's an event that night and he's making sure that business can be conducted inside the house of prostitution.

MR. SVOBODNEY said if the particular words aren't used in statute it's knowingly.

[2:18:36 PM](#)

CHAIR FRENCH expressed the view that the statute is fine the way it is.

SENATOR WIELECHOWSKI asked for clarification that by default it'd be knowingly.

MR. SVOBODNY said yes.

SENATOR WIELECHOWSKI asked if the person who's shoveling the driveway has, under this statute, committed the crime of aiding prostitution if he/she knows that the owner of the facility intends to have prostitutes there.

MR. SVOBODNY said he doesn't really know because it would have to be proved that the sweeper knew that he/she was clearing the driveway so that patrons of the prostitutes could go there.

CHAIR FRENCH asked if it's fair to say that you would be looking for business partners, business associates, and others who are intimately connected to the operation in order to bring a prosecution.

MR. SVOBODNY said yes; it will always be the case that the court will say that the mere presence at the scene of a crime is not sufficient to be guilty of a crime. There would have to be some other mental state before the person is guilty of a crime.

SENATOR WIELECHOWSKI asked if a motel clerk would have committed a violation under this statute if he/she were to allow someone to check in if they were accompanied by someone who could be a prostitute.

MR. SVOBODNY it would be necessary to show that the clerk knew that the person was a prostitute.

SENATOR DYSON interjected that if the clerk is renting the room by the hour and the same girl is seen three or four times a night it's a good case.

SENATOR WIELECHOWSKI asked if that's an objective or subjective standard.

CHAIR FRENCH opined that it's the reasonable person standard.

MR. SVOBODNY said the jury will make a determination of whether there was a substantial probability that the event existed--that the act of prostitution was or would be occurring.

SENATOR WIELECHOWSKI said that's the objective standard.

MR. SVOBODNY countered that it's the reasonable person standard. A jury would ask if that's what a reasonable person would know.

[2:21:47 PM](#)

CHAIR FRENCH asked Senator Dyson to continue with Section 9.

SENATOR DYSON continued.

Section 9 clarifies that property that is used to aid or facilitate the promotion of prostitution can be seized.

Section 10 inserts promoting prostitution of children into the sentencing code.

SENATOR WIELECHOWSKI referenced Section 9 and commented that the provision that the "property shall be forfeited" seems extreme. He noted that the Hotel Captain Cook for example is probably valued at several hundred million dollars.

CHAIR FRENCH asked Mr. Svobodny if the Hotel Captain Cook could be at stake here.

[2:23:06 PM](#)

MR. SVOBODNY explained that there's been a big discussion in alcohol forfeiture where Alaska Airlines claimed that it would have a plane seized if an agent put alcohol on a plane that was going to a dry community. In that case language was included so that would not be the case. He said he didn't know if there is special language or if it was just a conclusion that there must be a nexus. The person owning the property generally wouldn't be subject to having the property forfeited unless there was a certain culpable mental state. Under Senator Dyson's example, if the Hotel Captain Cook is renting rooms by the hour it may well be subject to seizure, but if it's simply a clerk who is acting beyond the scope of his/her duties then the hotel would not be subject to forfeiture.

[2:24:43 PM](#)

CHAIR FRENCH advised that he would flag that area for more attention.

[2:24:51 PM](#)

SENATOR DYSON added that the target is the people who are running a house of prostitution in their camper and the taxicab drivers who are regularly facilitating this business by transporting Johns and or by providing a cell phone and saying "here's a lady that would love to do business with you."

Section 11 deals with fines. He understands that for the first time this makes it possible to impose fines as well as a jail sentence for this crime.

Section 12 inserts promoting prostitution in the first degree. Consistently now the penalty for prostituting a child is the same as having molested or raped that child, he stated.

SENATOR DYSON noted that Child Protective Services and Juvenile Justice asked him to continue to work on the section that allows the state to take protective custody without arresting a child who had been prostituted. He said he agreed to pull that section for continued work.

[2:27:02 PM](#)

CHAIR FRENCH commented that he saw suggested language on that in a bill by Representative Doogan. He asked if they'd worked together.

SENATOR DYSON said he'd worked with Representative Doogan a little.

CHAIR FRENCH found no further testimony on SB 157.

SENATOR DYSON said he was asked not to line up a lot of testimony, but he could do so if the committee required it.

SENATOR WIELECHOWSKI asked how this compares with what other states are doing.

[2:28:03 PM](#)

SENATOR DYSON said he didn't know, but he could get the information.

CHAIR FRENCH suggested he contact Senator Wielechowski directly and announced he would hold SB 157 in committee.

There being no further business to come before the committee, Chair French adjourned the meeting at [2:28:24 PM](#).